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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,600	11/13/2003	Reinhold G. Grellmann	PHUS009221A	2504
28159	7590	01/26/2005	EXAMINER	
ATL ULTRASOUND P.O. BOX 3003 22100 BOTHELL EVERETT HIGHWAY BOTHELL, WA 98041-3003			MASKULINSKI, MICHAEL C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/713,600	GRELLMANN ET AL.
	Examiner Michael C Maskulinski	Art Unit 2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 November 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) 7 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**Final Office Action**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al., U.S. Patent 5,851,186.

Referring to claim 1:

- a. In column 11, lines 14-28, Wood et al. disclose that the Perform Diagnostics functions can be performed by an on-site serviceman using a laptop computer (a plurality of diagnostics computers for diagnosing the functionality of an ultrasound system containing ultrasound functionality diagnostics software which are operated by servicepersons to download ultrasound system functionality diagnostic information from ultrasound systems)
- b. In column 10, lines 45-62, Wood et al. disclose a web page with diagnostic commands, which causes the ultrasound system to perform a system diagnostic or display system status information such as test and error logs (a central diagnostics location with which said diagnostics computers periodically communicate to transfer said ultrasound system functionality diagnostic information).
- c. In column 11, lines 5-13, Wood et al. teach that the central diagnostic location is a repository for ultrasound system repair, maintenance, or quality

improvement diagnostic information obtained by said diagnostic computers from plurality of ultrasound systems.

Referring to claim 2, in column 11, lines 14-28, Wood et al. disclose a laptop computer for diagnostics (wherein said diagnostics computers comprise portable computers).

Referring to claim 3, in column 11, lines 14-28, Wood et al. disclose a laptop computer (wherein said portable computers comprise laptop computers).

Referring to claim 4, in column 10, lines 45-62, Wood et al. disclose the use of an HTTP server for diagnostics (wherein said diagnostics computers download said diagnostic information over a network from locations remote from said ultrasound systems).

Referring to claim 5, in column 11, lines 16-20, Wood et al. disclose that when the servicemen is with the ultrasound system, there is no need for modem interconnection; the network link can be made directly. In this case a cable is connected from the serial port of the laptop computer to the serial port of the ultrasound system (wherein said diagnostics computers further act to download diagnostic information over a direct connection at the site of said ultrasound systems).

Referring to claim 6, in column 11, lines 20-28, Wood et al. disclose interrogating the ultrasound system through an Ethernet connection (wherein said diagnostics computers upload said diagnostic information over a network to said central diagnostics location from locations remote from said central diagnostics location).

***Allowable Subject Matter***

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

5. On page 4, under the section REMARKS, the Applicant argues, "Nowhere in the passage is a central repository envisioned with which the remote terminals or laptop computers would communicate." The Examiner respectfully disagrees. In column 11, lines 1-4, Wood et al. disclose that the results of these validation tests are returned to the remotely located installer, verifying the successful installation of the new software.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

*Robert W Beausoliel*  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
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